

HOUSE BILL No. 1324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-163; IC 16-22; IC 34-6-2-117.5; IC 34-30-15-15.

Synopsis: County hospital privileges. Provides that a chiropractor, an optometrist, or a podiatrist is eligible to provide patient care at a county hospital. Allows a county hospital's governing board to establish standards to govern the practice in the hospital and the granting and retaining of privileges. Allows for the personal appearance before a peer review committee before privileges are terminated. Exempts from civil liability certain activities of a peer review committee.

Effective: July 1, 2005.

Kromkowski, Koch

January 13, 2005, read first time and referred to Committee on Public Health.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1324

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-163 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 163. (a) "Health care
3 provider", for purposes of IC 16-21 and IC 16-41, means any of the
4 following:

5 (1) An individual, a partnership, a corporation, a professional
6 corporation, a facility, or an institution licensed or legally
7 authorized by this state to provide health care or professional
8 services as a licensed physician, a psychiatric hospital, a hospital,
9 a health facility, an emergency ambulance service (IC 16-31-3),
10 a dentist, a registered or licensed practical nurse, a midwife, an
11 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
12 therapist, a respiratory care practitioner, an occupational therapist,
13 a psychologist, a paramedic, an emergency medical technician, an
14 emergency medical technician-basic advanced, an emergency
15 medical technician-intermediate, or a person who is an officer,
16 employee, or agent of the individual, partnership, corporation,
17 professional corporation, facility, or institution acting in the



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course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-22-3-9.5 and IC 16-22-8-39.5, means an individual who holds a valid license under Indiana law to practice:

(1) chiropractic;

(2) optometry; or

(3) podiatry.

~~(b)~~ **(c) "Health care provider", for purposes of IC 16-35:**

(1) has the meaning set forth in subsection (a); ~~However, for purposes of IC 16-35, the term also and~~

(2) includes a health facility (as defined in section 167 of this chapter).

~~(c)~~ **(d) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:**

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

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- (4) an advanced practice nurse;
- (5) a licensed nurse midwife;
- (6) a paramedic;
- (7) an emergency medical technician;
- (8) an emergency medical technician-basic advanced;
- (9) an emergency medical technician-intermediate; or
- (10) a first responder. ~~as defined under IC 16-18-2-131.~~

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

SECTION 2. IC 16-22-3-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9.5. (a) The governing board may delineate hospital privileges for the provision of patient care services by a health care provider.**

(b) A health care provider is eligible for privileges to provide patient care services, but the governing board shall establish and enforce reasonable standards and rules concerning the following:

- (1) A health care provider's practice in the hospital.**
- (2) Granting privileges to a health care provider.**
- (3) A health care provider's retention of privileges.**

(c) The fact that an applicant for privileges to provide patient care services is a health care provider may not serve as a basis for denying the applicant privileges to provide patient care services that are allowed under the professional license held by the applicant.

(d) The governing board may determine the types of health care procedures and treatments that are appropriate for an inpatient or outpatient hospital setting.

(e) The standards and rules described in subsection (b) may, in the interest of good patient care, allow the governing board to do the following:

- (1) Consider:**
 - (A) the postgraduate education;**
 - (B) the training;**
 - (C) the experience; and**
 - (D) other facts;**

concerning the provider that may affect the provider's professional competence.

(2) Consider the scope of practice allowed under the professional license held by a health care provider.

(3) Limit privileges for admitting patients to the hospital to

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physicians licensed under IC 25-22.5.

(4) Limit responsibility for managing a patient's care to physicians licensed under IC 25-22.5.

(5) Limit or preclude a health care provider's performing x-rays or other imaging procedures in an inpatient or outpatient hospital setting. However, this subdivision does not affect the ability of a health care provider to order x-rays under the provider's scope of practice.

(f) The standards and rules described in subsection (b) may include a requirement for the following:

(1) Submitting proof that a health care provider is qualified under IC 34-18-3-2.

(2) Performing patient care and related duties in a manner that is not disruptive to the delivery of quality care in the hospital setting.

(3) Maintaining standards of quality care that recognize the efficient and effective use of hospital resources as developed by the hospital's medical staff.

(g) The board must provide for a hearing before a peer review committee for a health care provider whose privileges are recommended for termination based upon the provider's provision of patient care services.

SECTION 3. IC 16-22-8-39.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 39.5. (a) The governing board may delineate privileges for the provision of patient care services by a health care provider.

(b) A health care provider is eligible for privileges to provide patient care services, but the governing board shall establish and enforce reasonable standards and rules concerning the following:

(1) A health care provider's practice in the hospital.

(2) Granting privileges to a health care provider.

(3) A health care provider's retention of privileges.

(c) The fact that an applicant for privileges to provide patient care services is a health care provider may not serve as a basis for denying the applicant privileges to provide patient care services that are allowed under the professional license held by the applicant.

(d) The governing board may determine the types of health care procedures and treatments that are appropriate for an inpatient or outpatient hospital setting.

(e) The standards and rules described in subsection (b) may, in

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the interest of good patient care, allow the governing board to do the following:

(1) Consider:

(A) the postgraduate education;

(B) the training;

(C) the experience; and

(D) other facts;

concerning the provider that may affect the provider's professional competence.

(2) Consider the scope of practice allowed under the professional license held by a health care provider.

(3) Limit privileges for admitting patients to the hospital to physicians licensed under IC 25-22.5.

(4) Limit responsibility for managing a patient's care to physicians licensed under IC 25-22.5.

(5) Limit or preclude a health care provider's performing x-rays or other imaging procedures in an inpatient or outpatient hospital setting. However, this subdivision does not affect the ability of a health care provider to order x-rays under the provider's scope of practice.

(f) The standards and rules described in subsection (b) may include a requirement for the following:

(1) Submitting proof that a health care provider is qualified under IC 34-18-3-2.

(2) Performing patient care and related duties in a manner that is not disruptive to the delivery of quality care in the hospital setting.

(3) Maintaining standards of quality care that recognize the efficient and effective use of hospital resources as developed by the hospital's medical staff.

(g) The board must provide for a hearing before a peer review committee for a health care provider whose privileges are recommended for termination based upon the provider's provision of patient care services.

SECTION 4. IC 34-6-2-117.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 117.5. "Professional review activity", for purposes of IC 34-30-15, means an activity of a peer review committee with respect to a professional health care provider to:

(1) determine whether the professional health care provider may have privileges for the provision of patient care services;

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1 (2) determine the scope or conditions of privileges for the
 2 provision of patient care services; or

3 (3) change or modify privileges for the provision of patient
 4 care services.

5 The term includes the establishment and enforcement of standards
 6 and rules by the governing board of a hospital licensed under
 7 IC 12-25 or IC 16-21 concerning practice in the hospital and the
 8 granting and retaining of privileges within the hospital.

9 SECTION 5. IC 34-30-15-15 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. There is no liability
 11 on the part of, and no action of any nature shall arise against, **an**
 12 **organization, a peer review committee, or** the personnel of a peer
 13 review committee for any act, statement made in the confines of the
 14 **organization or** committee, or proceeding of the **organization or**
 15 committee made in good faith in regard to:

16 (1) evaluation of patient care as that term is defined and limited
 17 in IC 34-6-2-44;

18 (2) evaluation of the qualifications, competence, or
 19 professional conduct of a professional health care provider;
 20 or

21 (3) professional review activity (as defined in IC 34-6-2-117.5).

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